

# **ATTACHMENT 3**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 CISCO SYSTEMS, INC.,  
5 Plaintiff,  
6 vs. No. 5:14-cv-05344-BLF  
7 ARISTA NETWORKS, INC., (PSG)  
8 Defendant.

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11 HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

12  
13 VIDEOTAPED DEPOSITION OF DELL INC. 30(b)(6)  
14 CORPORATE REPRESENTATIVE - GAVIN CATO  
15 Palo Alto, California  
16 Friday, May 20, 2016  
17 Volume I

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19  
20  
21 REPORTED BY:  
22 REBECCA L. ROMANO, RPR, CSR No. 12546  
23 JOB NO. 2303539

24  
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1 GAVIN CATO, 10:08:35  
2 having been administered an oath, was examined and  
3 testified as follows:  
4  
5 EXAMINATION 10:08:35  
6 BY MS. McCLOSKEY:  
7 Q. Mr. Cato, we met briefly off the record,  
8 but my name is Elizabeth McCloskey, and I'll be  
9 asking you some questions today.  
10 We represent the defendant, 10:08:41  
11 Arista Networks, in this action.  
12 A. Okay.  
13 Q. Would you please state your name for the  
14 record.  
15 A. Gavin Richard Cato. 10:08:47  
16 Q. Where do you work?  
17 A. Dell.  
18 Q. And what is your title?  
19 A. Vice president of development and  
20 engineering. 10:08:53  
21 Q. Is this the same Dell that sells consumer  
22 desktop and laptop computers?  
23 A. Yes.  
24 Q. What other lines of business is Dell  
25 involved in? 10:09:04

1 Q. Okay. What do you mean by tribal 10:53:17

2 knowledge?

3 A. Dell's networking teams are made up of a  
4 collection of folks with industry experience from a  
5 wide variety of places, and they come in looking at 10:53:27  
6 the solutions end to end and understanding how  
7 the -- the products need to -- to interoperate.

8 Q. So would you say -- say that Dell's  
9 networking teams rely on and use their industry  
10 experience in creating new CLI commands? 10:53:45

11 A. Yes.

12 Q. Do you know whether Dell engineers  
13 consult industry standards, such as those from the  
14 ITF or IEEE, when adding new CLI commands?

15 A. We do. 10:54:00

16 Q. Why?

17 A. But not --

18 Q. I'm sorry. Go ahead.

19 A. We do to make sure that we're consistent  
20 with industry; that is, defined hard industry 10:54:06  
21 standards, but we're also very knowledgeable about  
22 the fact that there are -- there are  
23 customer-driven expectations and standards that  
24 emerge through informal means.

25 Q. So would it be accurate to say that Dell 10:54:23

1 considers both industry standards and customer 10:54:26  
2 expectations in coming up with new CLI commands?  
3 A. Yes.  
4 Q. Is there anything I'm missing there?  
5 Anything else that you would say, generally, is 10:54:36  
6 considered or consulted in coming up with a new CLI  
7 command?  
8 A. Consistency of the product solution sets,  
9 because of the fact that we OEM and we use  
10 third-party products in solutions. 10:54:51  
11 Q. Okay. How does Dell -- you referred to  
12 customer expectations.  
13 How does Dell ensure that its CLI  
14 commands meet customer expectations; for example,  
15 if Dell is going to add new functionality that will 10:55:15  
16 require the addition of new CLI commands, is there  
17 a process for ensuring that those commands meet  
18 customer expectations?  
19 MR. HOLMES: Objection. Vague.  
20 THE DEPONENT: The -- the -- the PLM team 10:55:25  
21 or the business product line marketing team, or  
22 manage- -- primary management team will, at Dell,  
23 interface with the sales engineers, interface with  
24 the customers, and make requirements or provide  
25 requirements to the engineering team. 10:55:47

1 I declare under penalty of perjury  
2 under the laws that the foregoing is  
3 true and correct.

4  
5 Executed on \_\_\_\_\_, 20\_\_\_\_,  
6 at \_\_\_\_\_, \_\_\_\_\_.

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11 \_\_\_\_\_  
12 GAVIN CATO  
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1 I, Rebecca L. Romano, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me  
4 at the time and place herein set forth; that any  
5 witnesses in the foregoing proceedings, prior to  
6 testifying, were administered an oath; that a record of  
7 the proceedings was made by me using machine shorthand  
8 which was thereafter transcribed under my direction;  
9 that the foregoing transcript is true record of the  
10 testimony given.

11 Further, that if the foregoing pertains to the  
12 original transcript of a deposition in a Federal Case,  
13 before completion of the proceedings, review of the  
14 transcript [ ] was [X] was not requested.

15 I further certify I am neither financially  
16 interested in the action nor a relative or employee of  
17 any attorney or any party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my  
19 name.

20 Dated: May 26, 2016

21  
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23

24 Rebecca L. Romano, RPR,

25 CSR. No 12546